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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,506	03/09/2004	Jeffery M. Enright	D-1243	1933
28995	7590	07/19/2007	EXAMINER	
RALPH E. JOCKE			RAO, ANAND SHASHIKANT	
walker & jocke LPA				
231 SOUTH BROADWAY			ART UNIT	
MEDINA, OH 44256			PAPER NUMBER	
			2621	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,506	<b>Applicant(s)</b> ENRIGHT ET AL.	
	<b>Examiner</b> Andy S. Rao	<b>Art Unit</b> 2621	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/09/04 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Request For Reconsideration***

1. Applicant's arguments filed on 4/12/07 with respect to claims 1-27 have been fully considered but they are not persuasive.
2. The drawings remain objected to under 37 CFR 1.83(a) because figure 15 fails to show the "oscillator" and "suitable vibration circuitry" as described in the specification on page 34, lines 5-22; page 35, lines 1-22; page 36, lines 1-10. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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3. Claims 1-27 remain rejected under 35 U.S.C. 102(e) as being anticipated by Magee et al., (hereinafter referred to as "Magee"), as was set forth in the Office Action of 5/07/07.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

4. The Applicants present two substantive arguments contending the Examiner's pending objection to the drawings and the rejection of claims 1-27 under 35 U.S.C. 102(e) as being anticipated by Magee et al., (hereinafter referred to as "Magee"). However, after a careful consideration of the arguments presented, and further scrutiny of the reference, the Examiner must respectfully disagree for the reasons that follow

Firstly, the Applicants argue that the Examiner's objection to the drawings is improper because under 37 CFR 1.83(a) the drawings need only to show features that are claimed (Amendment of 4/12/07: page 4, lines 6-26). The Examiner respectfully disagrees. The requirement of the statute is set upon two conditions. The first is that everything that is claimed must be in the drawings. Applicants have met this requirement. However, it is noted that 37 CFR 1.83(a) goes on to state:

"...However, *conventional features disclosed in the description and claims*, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the

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form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box)..."

Without any indication of where these elements are in the drawings, the Examiner doesn't have a proper understanding of the totality of the instant invention, as opposed to just what is claimed.

Also, what if the Applicants decide to change the scope of the claims to include either the oscillator or suitable vibration circuitry? Lastly, with regards to the "structural detail" comment of the Applicants, the Examiner must note that although the claims are process claims, the respective steps are performed with regards to specific "structural elements" such as a "automated banking machine", "user interface", "image device", "cash dispenser", and the like.

It would be useful to know how an "oscillator" or "suitable vibration circuitry" might figure into such a method since the method is executed in the environment of the ATM implementation. application. The drawing in a nonprovisional application must show every feature of the invention specified in the claims. As such, under 37 CFR 183 (c), the Applicants have a time period of not less than two months from the date of the sending of a notice thereof to comply with this drawing objection requirement. Such corrections are subject to the requirements of § 1.81(d).

Secondly, the Applicants argue that Magee's camera is not used for the user interface, but for generating biometric inputs, and therefore doesn't read upon the claims (Amendment of 4/12/07: page 5, lines 1-14). The Examiner respectfully disagrees. The reference specifies that the camera may be used for biometric input, and not that it is solely used for just a purpose. Additionally, since Magee discloses that the camera as an input device is can be used for other purposes (Magee: column 7, lines 35-40), the Examiner notes that this leads doesn't restrict it to

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just the biometric implementation. Now, the Examiner will show why the use of the camera with the card reader fascia is anticipated by Magee. The Examiner notes that Magee discloses radiation sensing devices at the card reader slot (Magee: column 13, lines 65-67), and that the comparison test is "pixel based" (Magee: column 14, lines 1-15). Given the fact cameras are inherently visible radiation "sensing devices", the Examiner asserts that the radiation sensors at least for visible radiation are cameras for generating the first and second images. Accordingly, the Examiner maintains the Magee reads upon the instant invention as claimed.

Lastly, it is unclear to the Examiner why the Applicants have submitted the comments regarding 35 USC 103(c) (Amendment of 4/12/07: page 5, lines 15-19), since there appears to be no pending rejection based on 35 USC 103(a) using Magee. As a reference under 35 USC 102(e), it remains valid.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andy S. Rao whose telephone number is (571)-272-7337. The examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)-272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andy S. Rao  
Primary Examiner  
Art Unit 2621

asr  
July 8, 2007

  
2007 JUL 10  
PRIMARY EXAMINER